GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

STARRED QUESTION NO:691
ANSWERED ON:09.05.2003
PATENT OF INDIAN GOODS
SATYAVRAT CHATURVEDI;SUNDER LAL TIWARI

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the details of cases brought to the notice of Government wherein European countries have obtained patents of Indian goods;

(b) the names of the goods out of these, the patent rights of which have been restored to India;

(c) whether the Jute Manufacturing Development Council set up for the sick jute industry has recently got the patent rights restored for jute from the London-based firm Giyo Hase;

(d) if so, whether the Government provide any kind of assistance to the entrepreneurs of the country in such cases; and

(e) if not, the reasons therefore ?

Answer

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY)

(a) to (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 691 FOR ANSWER ON 9.5 REGARDING PATENTING OF INDIAN GOODS

(a) to (e): Data on patented Indian goods/ items as well as patents revoked in European countries, as also worldwide, is not maintained.

Patents are sought and obtained by applicants/inventors, both Indian and foreign, in different countries to safeguard and promote their commercial and other interests. Such patents are granted under the sovereign prerogative of countries according to their respective patent laws and have territorial effect, that is, they are effective only in the country of grant. In order to qualify for grant of patent in any country an invention, whether process or product, has to meet the criteria of patentability, namely, novelty, inventiveness and industrial applicability. Indian goods/items, which are already in public knowledge/domain, cannot be patented.

As patents are essentially private rights they are normally challenged, in accordance with the patent laws of the country concerned, by the person(s) whose interests are affected/jeopardized.

As and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned. Earlier a patent granted in the United States of America on the use of turmeric in wound healing was successfully challenged and was also cancelled by the Patent Office of the country concerned. Similarly, a patent on the fungicidal property of neem, granted in Europe, was successfully challenged. The claims of the patent on Basmati Ricelines and grains granted in the United States of America which had the potential of affecting India`s commercial interest were also challenged. The said claims were subsequently cancelled by the United States Patent and Trademark Office and the title of the patent was also amended.

The patent on waste treatment using Hessian (jute product) granted to M/S Geo Hess (UK) Ltd. has been revoked in August 2002 based on the opposition petition filed by Jute Manufacturers Development Council.